

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FOAM SUPPLIES, INC.,)
)
Plaintiff,)
)
v.) No. 4:05CV01772 CDP
)
THE DOW CHEMICAL COMPANY,) Honorable Catherine D. Perry
)
Defendant.)

**DOW'S MOTION FOR LEAVE TO FILE A SURREPLY IN OPPOSITION TO
PLAINTIFF'S SECOND MOTION FOR LEAVE TO AMEND THE COMPLAINT**

Pursuant to Local Rule 4.01(c), Defendant, The Dow Chemical Company, respectfully requests leave to file the enclosed three page surreply so that Dow may respond to one new, significant, and highly misleading argument contained in Foam Supplies, Inc.'s Reply to Dow's Memorandum in Opposition to FSI's Motion for Leave to Amend Complaint. Dow recognizes that surreplies are discouraged, but could not have previously addressed FSI's new argument, FSI having waited until its reply brief to support its effort to amend its tortious interference claim with an assertion that FSI has every reason to know is demonstrably false. Accordingly, Dow respectfully requests leave to file the accompanying brief surreply attached hereto as Exhibit 1.

Dated: November 21, 2007

BY: /s/ Glenn E. Davis

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2007, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

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